



UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JEREMY CRAHAN,
Defendant.

NO. CR23-5167 DGE

PLEA AGREEMENT

The United States, through Acting United States Attorney Tessa M. Gorman and Assistant United States Attorney Todd Greenberg of the Western District of Washington, and JEREMY CRAHAN and his attorney Lance M. Hester, enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A):

1. **The Charge.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enter a plea of guilty to the following charge contained in Count 1 of the Indictment: *Conspiracy to Damage Energy Facilities*, in violation of Title 18, United States Code, Section 1366(a).

By entering a plea of guilty, Defendant hereby waives all objections to the form of the charging document. Defendant further understands that before entering any guilty

1 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
2 may be used by the United States in a prosecution for perjury or false statement.

3 **2. Elements of the Offense.** The elements of the offense of *Conspiracy to*
4 *Damage Energy Facilities*, in violation of Title 18, United States Code, Section 1366(a),
5 are as follows:

6 First, Defendant agreed with another person to knowingly and willfully
7 damage the property of an energy facility in any amount; and
8 Second, Defendant agreed with another person to cause a significant
9 interruption and impairment of a function of an energy facility.

10 **3. The Penalties.** Defendant understands that the statutory penalties
11 applicable to the offense of *Conspiracy to Damage Energy Facilities*, in violation of
12 Title 18, United States Code, Section 1366(a), are as follows: A term of imprisonment of
13 up to twenty (20) years, a fine of up to \$250,000.00, a period of supervision following
14 release from prison of up to three (3) years, and a mandatory special assessment of
15 \$100.00 dollars. If a probationary sentence is imposed, the probation period can be for
16 up to five (5) years.

17 Defendant understands that supervised release is a period of time following
18 imprisonment during which Defendant will be subject to certain restrictive conditions and
19 requirements. Defendant further understands that, if supervised release is imposed and
20 Defendant violates one or more of the conditions or requirements, Defendant could be
21 returned to prison for all or part of the term of supervised release that was originally
22 imposed. This could result in Defendant serving a total term of imprisonment greater
23 than the statutory maximum stated above.

24 Defendant understands that as a part of any sentence, in addition to any term of
25 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
26 restitution to any victim of the offense, as required by law.

27
28

1 Defendant further understands that the consequences of pleading guilty may
2 include the forfeiture of certain property, either as a part of the sentence imposed by the
3 Court, or as a result of civil judicial or administrative process.

4 Defendant agrees that any monetary penalty the Court imposes, including the
5 special assessment, fine, costs, or restitution, is due and payable immediately and further
6 agrees to submit a completed Financial Disclosure Statement as requested by the United
7 States Attorney's Office.

8 **4. Rights Waived by Pleading Guilty.** Defendant understands that by
9 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

10 a. The right to plead not guilty and to persist in a plea of not guilty;
11 b. The right to a speedy and public trial before a jury of Defendant's
12 peers;

13 c. The right to the effective assistance of counsel at trial, including, if
14 Defendant could not afford an attorney, the right to have the Court appoint one for
15 Defendant;

16 d. The right to be presumed innocent until guilt has been established
17 beyond a reasonable doubt at trial;

18 e. The right to confront and cross-examine witnesses against Defendant
19 at trial;

20 f. The right to compel or subpoena witnesses to appear on Defendant's
21 behalf at trial;

22 g. The right to testify or to remain silent at trial, at which trial such
23 silence could not be used against Defendant; and

24 h. The right to appeal a finding of guilt or any pretrial rulings.

25 **5. United States Sentencing Guidelines.** Defendant understands and
26 acknowledges that the Court must consider the sentencing range calculated under the
27 United States Sentencing Guidelines and possible departures under the Sentencing
28 Guidelines together with the other factors set forth in Title 18, United States Code,

1 Section 3553(a), including: (1) the nature and circumstances of the offense(s); (2) the
2 history and characteristics of Defendant; (3) the need for the sentence to reflect the
3 seriousness of the offense(s), to promote respect for the law, and to provide just
4 punishment for the offense(s); (4) the need for the sentence to afford adequate deterrence
5 to criminal conduct; (5) the need for the sentence to protect the public from further
6 crimes of Defendant; (6) the need to provide Defendant with educational and vocational
7 training, medical care, or other correctional treatment in the most effective manner; (7)
8 the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the
9 need to avoid unwarranted sentence disparity among defendants involved in similar
10 conduct who have similar records. Accordingly, Defendant understands and
11 acknowledges that:

12 a. The Court will determine Defendant's Sentencing Guidelines range
13 at the time of sentencing;

14 b. After consideration of the Sentencing Guidelines and the factors in
15 18 U.S.C. § 3553(a), the Court may impose any sentence authorized by law, up to the
16 maximum term authorized by law;

17 c. The Court is not bound by any recommendation regarding the
18 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
19 range offered by the parties or the United States Probation Department, or by any
20 stipulations or agreements between the parties in this Plea Agreement; and

21 d. Defendant may not withdraw a guilty plea solely because of the
22 sentence imposed by the Court.

23 **6. Ultimate Sentence.** Defendant acknowledges that no one has promised or
24 guaranteed what sentence the Court will impose.

25 //

26 //

27 //

28 //

1 **7. Statement of Facts.** The parties agree on the following facts. Defendant
 2 admits he is guilty of the charged offense.

3 In December 2022, Matthew Greenwood and Jeremy Crahan initially
 4 agreed together to break into and damage an electrical substation in the
 5 Pierce County area. Their plan was to disrupt power throughout the area
 6 and then, while the power was out, to break into an ATM machine and a
 local business to steal money.

7 On December 25, 2022, by following Greenwood's and Crahan's plan,
 8 Greenwood caused damage to four electrical substations as part of their
 9 agreement: the Hemlock Substation, located at 10915 144th Street E.,
 10 Puyallup, Washington, operated by Puget Sound Energy; the Elk Plain
 11 Substation, located at 22312 46th Avenue E., Spanaway, Washington,
 12 operated by Tacoma Power; the Graham Substation, located at 8820 224th
 Street E., Graham, Washington, operated by Tacoma Power; and the
 13 Kapowsin Substation, located at 14321 Kapowsin Highway E., Graham,
 Washington, operated by Puget Sound Energy.

14 Crahan accompanied Greenwood to each of the substations and provided
 15 lookout assistance. After cutting through the perimeter fence at each
 16 substation, Greenwood then entered the premises and caused damage to the
 17 powerstations by manipulating and/or damaging the equipment. This
 caused power outages for 8,000 customers (Hemlock Substation) and 7,500
 customers (Elk Plain and Graham substations).

18 The parties agree that the Court may consider additional facts contained in the
 19 Presentence Report (subject to standard objections by the parties) and/or that may be
 20 presented by the United States or Defendant at the time of sentencing, and that the factual
 21 statement contained herein is not intended to limit the facts that the parties may present to
 22 the Court at the time of sentencing.

23 **8. Sentencing Factors.** The parties agree that the following Sentencing
 24 Guidelines provisions apply to this case:

25 A base offense level of 7, pursuant to USSG § 2B1.1(a)(1); and

26 A 10-level upward adjustment, pursuant to USSG § 2B1.1(b)(1)(F), based
 27 on a total loss amount of \$235,699.07.

1 The parties agree they are free to present arguments regarding the applicability of
 2 all other provisions of the United States Sentencing Guidelines. Defendant understands,
 3 however, that at the time of sentencing, the Court is free to reject these stipulated
 4 adjustments, and is further free to apply additional downward or upward adjustments in
 5 determining Defendant's Sentencing Guidelines range.

6 **9. Acceptance of Responsibility.** At sentencing, if the Court concludes
 7 Defendant qualifies for a downward adjustment acceptance for acceptance of
 8 responsibility pursuant to USSG § 3E1.1(a) and Defendant's offense level is 16 or
 9 greater, the United States will make the motion necessary to permit the Court to decrease
 10 the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b), because
 11 Defendant has assisted the United States by timely notifying the United States of
 12 Defendant's intention to plead guilty, thereby permitting the United States to avoid
 13 preparing for trial and permitting the Court to allocate its resources efficiently.

14 **10. Sentencing Recommendation.** The government agrees to recommend a
 15 sentence of not greater than 21 months. Defendant is free to recommend any sentence.
 16 Defendant understands that these recommendations are not binding on the Court and the
 17 Court may reject the recommendation of the parties and may impose any term of
 18 imprisonment up to the statutory maximum penalty authorized by law. Defendant further
 19 understands that Defendant cannot withdraw a guilty plea simply because of the sentence
 20 imposed by the Court. Except as otherwise provided in this Plea Agreement, the parties
 21 are free to present arguments regarding any other aspect of sentencing.

22 **11. Restitution.** Defendant agrees that the Court can order Defendant to pay
 23 restitution to the victims of Defendant's crimes. Defendant is aware that the United States
 24 will present evidence supporting an order of restitution for all losses caused by all of
 25 Defendant's criminal conduct known to the United States at the time of Defendant's
 26 guilty plea. In exchange for the promises by the United States contained in this plea
 27 agreement, Defendant agrees that Defendant will be responsible for any order by the
 28 District Court requiring the payment of restitution for such losses.

1 a. The full amount of restitution shall be due and payable immediately
 2 on entry of judgment and shall be paid as quickly as possible. If the Court finds
 3 that the defendant is unable to make immediate restitution in full and sets a
 4 payment schedule as contemplated in 18 U.S.C. § 3664(f), Defendant agrees that
 5 the Court's schedule represents a minimum payment obligation and does not
 6 preclude the U.S. Attorney's Office from pursuing any other means by which to
 7 satisfy the defendant's full and immediately-enforceable financial obligation,
 8 including, but not limited to, by pursuing assets that come to light only after the
 9 district court finds that the defendant is unable to make immediate restitution.

10 b. Defendant agrees to disclose all assets in which Defendant has any
 11 interest or over which Defendant exercises control, directly or indirectly, including
 12 those held by a spouse, nominee, or third party. Defendant agrees to cooperate
 13 fully with the United States' investigation identifying all property in which
 14 Defendant has an interest and with the United States' lawful efforts to enforce
 15 prompt payment of the financial obligations to be imposed in connection with this
 16 prosecution. Defendant's cooperation obligations are: (1) before sentencing, and
 17 no more than 30 days after executing this Plea Agreement, truthfully and
 18 completely executing a Financial Disclosure Statement provided by the United
 19 States Attorney's Office and signed under penalty of perjury regarding
 20 Defendant's and Defendant's spouse's financial circumstances and producing
 21 supporting documentation, including tax returns, as requested; (2) providing
 22 updates with any material changes in circumstances, as described in 18 U.S.C.
 23 § 3664(k), within seven days of the event giving rise to the changed
 24 circumstances; (3) authorizing the United States Attorney's Office to obtain
 25 Defendant's credit report before sentencing; (4) providing waivers, consents or
 26 releases requested by the U.S. Attorney's Office to access records to verify the
 27 financial information; (5) authorizing the U.S. Attorney's Office to inspect and
 28 copy all financial documents and information held by the U.S. Probation Office;

(6) submitting to an interview regarding Defendant's Financial Statement and supporting documents before sentencing (if requested by the United States Attorney's Office), and fully and truthfully answering questions during such interview; and (7) notifying the United States Attorney's Office before transferring any interest in property owned directly or indirectly by Defendant, including any interest held or owned in any other name, including all forms of business entities and trusts.

c. The parties acknowledge that voluntary payment of restitution prior to the adjudication of guilt is a factor the Court considers in determining whether Defendant qualifies for acceptance of responsibility pursuant to USSG § 3E1.1(a).

12. Non-Prosecution of Additional Offenses. As part of this Plea Agreement, the United States Attorney's Office for the Western District of Washington agrees to dismiss Counts 2-5 of the Indictment and not to prosecute Defendant for any additional offenses known to it as of the time of this Plea Agreement based upon evidence in its possession at this time, and that arise out of the conduct giving rise to this investigation. In this regard, Defendant recognizes the United States has agreed not to prosecute all of the criminal charges the evidence establishes were committed by Defendant solely because of the promises made by Defendant in this Plea Agreement. Defendant agrees, however, that for purposes of preparing the Presentence Report, the United States Attorney's Office will provide the United States Probation Office with evidence of all conduct committed by Defendant.

Defendant agrees that any charges to be dismissed before or at the time of sentencing were substantially justified in light of the evidence available to the United States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119 (1997).

1 **13. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
 2 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea
 3 Agreement and Defendant may be prosecuted for all offenses for which the United States
 4 has evidence. Defendant agrees not to oppose any steps taken by the United States to
 5 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
 6 Agreement. Defendant also agrees that, if Defendant is in breach of this Plea Agreement,
 7 Defendant has waived any objection to the re-institution of any charges that previously
 8 were dismissed or any additional charges that had not been prosecuted.

9 Defendant further understands that if, after the date of this Plea Agreement,
 10 Defendant should engage in illegal conduct, or conduct that violates any conditions of
 11 release or the conditions of confinement (examples of which include, but are not limited
 12 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while
 13 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
 14 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement
 15 to file additional charges against Defendant or to seek a sentence that takes such conduct
 16 into consideration by requesting the Court to apply additional adjustments or
 17 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
 18 advisory Guidelines range, and/or by seeking an upward departure or variance from the
 19 calculated advisory Guidelines range. Under these circumstances, the United States is
 20 free to seek such adjustments, enhancements, departures, and/or variances even if
 21 otherwise precluded by the terms of the Plea Agreement.

22 **14. Waiver of Appellate Rights and Rights to Collateral Attacks.**

23 Defendant acknowledges that, by entering the guilty plea required by this Plea
 24 Agreement, Defendant waives all rights to appeal from Defendant's conviction, and any
 25 pretrial rulings of the Court, and any rulings of the Court made prior to entry of the
 26 judgment of conviction. Defendant further agrees that, provided the Court imposes a
 27 custodial sentence that is within or below the Sentencing Guidelines range as determined
 28 by the Court at the time of sentencing, Defendant waives to the full extent of the law:

1 a. Any right conferred by Title 18, United States Code, Section 3742,
 2 to challenge, on direct appeal, the sentence imposed by the Court, including any fine,
 3 restitution order, probation or supervised release conditions, or forfeiture order (if
 4 applicable); and

5 b. Any right to bring a collateral attack against the conviction and
 6 sentence, including any restitution order imposed, except as it may relate to the
 7 effectiveness of legal representation.

8 This waiver does not preclude Defendant from bringing an appropriate motion
 9 pursuant to 28 U.S.C. § 2241, to address the conditions of Defendant's confinement or
 10 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

11 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
 12 attacking (except as to effectiveness of legal representation) the conviction or sentence in
 13 any way, the United States may prosecute Defendant for any counts, including those with
 14 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea
 15 Agreement.

16 **15. Voluntariness of Plea.** Defendant agrees that Defendant has entered into
 17 this Plea Agreement freely and voluntarily, and that no threats or promises were made to
 18 induce Defendant to enter a plea of guilty other than the promises contained in this Plea
 19 Agreement or set forth on the record at the change of plea hearing in this matter.

20 **16. Statute of Limitations.** In the event this Plea Agreement is not accepted
 21 by the Court for any reason, or Defendant breaches any of the terms of this Plea
 22 Agreement, the statute of limitations shall be deemed to have been tolled from the date of
 23 the Plea Agreement to: (1) thirty (30) days following the date of non-acceptance of the
 24 Plea Agreement by the Court; or (2) thirty (30) days following the date on which a breach
 25 of the Plea Agreement by Defendant is discovered by the United States Attorney's
 26 Office.

17. Completeness of Plea Agreement. The United States and Defendant acknowledge that these terms constitute the entire Plea Agreement between the parties, except as may be set forth on the record at the change of plea hearing in this matter. This Plea Agreement binds only the United States Attorney's Office for the Western District of Washington. It does not bind any other United States Attorney's Office or any other office or agency of the United States, or any state or local prosecutor.

Dated this 6th day of September, 2023.

JEREMY CRAHN
Defendant

LANCE M. HESTER
Attorneys for Defendant

Assistant United States Attorney